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By: Lewis J. Krosler  
Lewis J. Krosler  
Reg. No. 38522

Date: 3/31/04

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	John C. Bell, et al.	Atty. Ref	18003-D1
Appl. No.:	10/743,639	Group Art Unit:	1645
Filed:	December 22, 2003	Examiner:	Robert A. Zeman
Title:	ONCOLYTIC VIRUS		

\* \* \* \* \*

March 31, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

INFORMATION DISCLOSURE STATEMENT

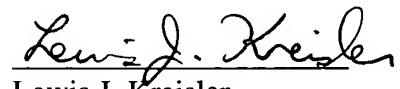
Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Examiner is directed to the documents listed on the enclosed Form PTO-1449. Copies of the listed documents are in the parent application serial number 09/664,444 and are therefore not being submitted with this Information Disclosure Statement.

This Communication is being filed within three months of the filing date or before the mailing of a first Office Action on the merits. Consideration of this Statement is respectfully requested.

Inventor(s): Bell, et al.  
Application No.: 10/743,639  
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It is believed that no fee is required in connection with the filing of this Statement. If any fee is required, the Commissioner is hereby authorized to charge the amount of such fee to Deposit Account No. 50-1677.

Respectfully submitted,

  
Lewis J. Kreisler  
Reg. No. 38522  
Attorney for Applicant(s)

930 Clopper Road  
Gaithersburg, MD 20878  
Phone: (240) 631-2500 x3276  
Facsimile: (240) 683-3794



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PTO/SB/08A (10-01) 12/21/2008 GMP 2051 0001

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Substitute for form 1449A/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>		Application Number	10/743,639
		Filing Date	December 22, 2003
		First Named Inventor	John C. Bell
		Art Unit	1645
		Examiner Name	Robert A. Zeman
Sheet	1	of	14
		Attorney Docket Number	

## **U.S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
		WO 97/01358	01-1997			
		WO 97/04805	02-1997			
		WO 94/18992	09/1994			
		WO 99/08692	02-25-1999			
		WO 94/25627	11-1994			
		JP (A) 58-116422	07-1983			
		WO 93/18790	09-30-1993			
		WO 86/00811	02-13-1986			
		WO 86/00529	01-30-1986			
		WO 99/29343	06-17-1999			

<b>Examiner Signature</b>		<b>Date Considered</b>	
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		WO 99/55345	11-04-1999		
		WO 00/45853	08-10-2000		
		EP 0 564 121 A2	10-06-1993		
		GB 1,069,144	05-17-1967		
		WO 99/04026	01-28-1999		
		WO 99/18799	04-22-1999		
		WO 97/26904	07-31-1997		
		WO 96/03997	02-15-1996		
		WO 95/32706	12-07-1995		
		WO 89/07554	08-24-1989		

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Sheet 4 of 14

**Complete if Known**

Application Number	10/743,639
Filing Date	December 22, 2003
First Named Inventor	John C. Bell
Group Art Unit	1645
Examiner Name	Robert A. Zeman
Attorney Docket Number	18003-D1

**NON PATENT PUBLICATIONS**

Examiner Initials*	Cite No. 1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		Kirn, et al., "Replicating Viruses as Selective Cancer Therapeutics", Molecular Medicine Today, pages 519-527, December 1996.	
		Heise, et al., "Onyx-015, an E1B gene-attenuated adenovirus, causes tumor-specific cytolysis and antitumoral efficacy that can be augmented by standard chemotherapeutic agents", Nature Medicine, Vol 3, No. 6, pages 639-645, June 1997.	
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		Machida, et al. "Effective of Nucleosides on Interferon Production and Development of Antiviral State Induced by Poly I-Poly C", Microbiolo. Immunol., Vol. 23 (7), pages 643-650, 1979	

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Sheet 5 of 14

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Group Art Unit	1645
Examiner Name	Robert A. Zeman
Attorney Docket Number	18003-D1

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		Tanaka, et al., "Cellular Commitment to Oncogene-Induced Transformation or Apoptosis is Dependent on the Transcription Factor IRF-1", Cell, Vol. 77, pages 829-839, June 17, 1994.	
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Sheet 6 of 14

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Application Number	10/743,639
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Examiner Name	Robert A. Zeman
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		Arroyo, et al., "Active specific immunotherapy with vaccinia colon oncolysate enhances the immunomodulatory and antitumor effects of interleukin-2 and interferon x in a murine hepatic metastasis model", Cancer Immunology Immunotherapy, Vol. 31, pages 305-311, 1990.	
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		Lorenz, et al., "Newcastle Disease Virus as an Antineoplastic Agent: Induction of Tumor Necrosis Factor- x and Augmentation of Its Cytotoxicity", Journal of the National Cancer Institute, Vol. 80, No. 16, pages 1305-1312, October 19, 1988.	

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		Reichard, et al., "Newcastle Disease Virus Selectively Kills Human Tumor Cells", Journal of Surgical Research, Vol 52, pages 448-453, 1992.	
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		Eaton, et al., "Autoimmunity Induced by Injection of Virus-Modified Cell Membrane Antigens in Syngeneic Mice", Infection and Immunity, Vol. 15, No. 1, pages 322-328, January 1977.	

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		Wheelock, et al, "Observation on the Repeated Administration of Viruses to a Patient with Acute Leukemia", The New England Journal of Medicine, Vol. 271, No. 13, pages 645-651, September 24, 1964.	
		Csatary, "Viruses in the Treatment of Cancer", The Lancet, page 825, October 9, 1971.	
		Kenney, et al., "Viruses as Oncolytic Agents: A New Age for "Therapeutic" Viruses?", JNCL Editorial Issue 16, pages 1-3, June 20, 1997.	
		Rodriguez, et al., "Prostate Attenuated Replication Competent Adenovirus (ARCA) CN706: A Selective Cytotoxic for Prostate-specific Antigen-positive Prostate Cancer Cells", Cancer Research, Vol. 57, pages 2559-2563, July 1, 1997.	
		Martuza, "Novel Treatment Approach for Malignant Brain Tumors Developed at Gerogetown", Georgetown University Medical Center, pages 1-8, October 1995.	
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		Kirn, et al., "ONYX-015, A selectively replicating adenovirus, has antitumoral activity following IV administration alone and in combination with chemotherapy", Proceedings of ASCO, Vol. 16, page 433a, 1997. Abstract 1564.	
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Sheet 9 of 14

**Complete if Known**

Application Number	10/743,639
Filing Date	December 22, 2003
First Named Inventor	John C. Bell
Group Art Unit	1645
Examiner Name	Robert A. Zeman
Attorney Docket Number	18003-D1

**NON PATENT PUBLICATIONS**

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		Field, et al., "The pathogenicity of thymidine kinase-deficient mutants of herpes simplex virus in mice", J. Hyg., Camb., Vol. 81, pages 267-277, 1978.	
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		Hughes, et al., "Vaccinia Virus Encodes an Active Thymidylate Kinase that Complements a cdc8 Mutant of <i>Saccharomyces cerevisiae</i> ", Journal of Biological Chemistry, Vol. 266, No. 30, pages 20103-20109, October 25, 1991.	
		Kerr, et al. "Vaccinia DNA ligase complements <i>Saccharomyces cerevisiae</i> cdc9, localizes in cytoplasmic factories and affects virulence and virus sensitivity to DNA damaging agents", The EMBO Journal, Vol. 10, No. 13, pages 4343-4350, 1991.	
		Clark, et al. "Protective Effect of WC3 Vaccine Against Rotavirus Diarrhea in Infants During a Predominantly Serotype 1 Rotavirus Season", Journal of Infectious Diseases, Vol. 158, No. 3, pages 570-587, September 1988.	
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		Taylor, et al., "Virus-Induced Regression of Tumor Growth", Journal of the National Cancer Institute, Vol. 44, pages 515-519, March 1970.	
		Beattie, et al., "Host-Range Restriction of Vaccinia Virus E3L-Specific Deletion Mutants", Virus Genes, Vol. 12, No. 1, pages 89-94, 1996.	

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Sheet 10 of 14

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		Howard, et al., "Retrovirus-Mediated Gene Transfer of the Human....Gene: A Therapy for Cancer", Annals New York Academy of Sciences, Duke University Medical Center, pages 167-187.	
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		Bluming, et al., "Regression of Burkitt's Lymphoma...Association with Measles Infection" The Lancet, pages 105-106, July 10, 1971.	
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		Holzaepfel, et al., "The Use of APC3 Virus as a Cancericidal Agent", Cancer, Vol. 10, Pages 577-580, May-June 1957.	
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		Verma, et al., "Gene therapy-promises, problem and prospects", Nature, Vol. 389, pages 239-242, September 18, 1997.	

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**Complete if Known**

Application Number	10/743,639
Filing Date	December 22, 2003
First Named Inventor	John C. Bell
Group Art Unit	1645
Examiner Name	Robert A. Zeman
Attorney Docket Number	18003-D1

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		Kalvakolanu, et al., "Differentiation-dependent activation of interferon-stimulated gene factors and transcription factor NF- $\kappa$ B in mouse embryonal carcinoma cells", Proc. Natl. Acad. Sci. USA, Vol. 90, pages 3167-3171, April 1993.	
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		Tait, et al., "A Phase I Trial of Retroviral BRCA1sv Gene Therapy in Ovarian Cancer", Clinical Cancer Research, Vol. 3, pages 1959-1968, November 1997.	
		Martuza, et al., "Experimental Therapy of Human Glioma by Means of a Genetically Engineered Virus Mutant", Science, Vol. 252, pages 854-855, May 10, 1991.	
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Sheet 12 of 14

**Complete if Known**

Application Number	10/743,639
Filing Date	December 22, 2003
First Named Inventor	John C. Bell
Group Art Unit	1645
Examiner Name	Robert A. Zeman
Attorney Docket Number	18003-D1

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		Asada, "Treatment of Human Cancer with Mumps Virus", Cancer, Vol. 34, pages 1907-1928, December 1974.	
		Sreevalsan, "Chapter 14 Biologic Therapy with Interferon-x and B: Preclinical Studies", Biologic Therapy of Cancer: Principles and Practice, pages 347-364.	
		Stoner, et al., "Effect of Neuraminidase Pretreatment on the Susceptibility of Normal and Transformed Mammalian Cells to Bovine Enterovirus 261", Nautre, Vol. 245, pages 319-320, October 12, 1973.	
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<b>Application Number</b>	10/743,639
<b>Filing Date</b>	December 22, 2003
<b>First Named Inventor</b>	John C. Bell
<b>Group Art Unit</b>	1645
<b>Examiner Name</b>	Robert A. Zeman
<b>Attorney Docket Number</b>	18003-D1

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		Csatary, et al., "Virus Vaccines for the Treatment of Cancer", Orvosi Hetilap, Vol. 131, pages 2585-2588, 1990.	
		Eck, et al., "Gene-Based Therapy", Goodman & Gilman's The Pharmacological Basis of Therapeutics, Ninth Edition, Chapter 5, 1996.	
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		Filing Date	December 22, 2003
		First Named Inventor	John C. Bell
		Group Art Unit	1645
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